

the guaranteed student loan program, and I would hope that the Senator from Utah, Senator HATCH, chairman of the Labor and Human Resources Committee, could help me clear up any misunderstanding.

Mr. HATCH. Mr. President, I would be happy to cooperate with the Senator from Vermont.

Mr. STAFFORD. It has come to my attention that there is some confusion in the Department of Education regarding whether or not a needs test is required for students from families with adjusted gross incomes less than \$30,000. It has always been my understanding that students from families with adjusted gross incomes of less than \$30,000 can borrow up to the statutory loan limit of \$2,500 without going through any need test. Only those students from families with adjusted gross incomes above \$30,000 are to be subject to a needs test for the GSL program.

Mr. HATCH. I concur with the Senator from Vermont on this matter. It was never the intention of the conferees to have students from families with incomes less than \$30,000 to undergo a needs test.

Mr. STAFFORD. I thank the Senator from Utah and I concur completely with his remarks.

Mr. HATCH. Mr. President, I have a series of observations relating to the Education Consolidation and Improvement Act, and I would hope that the Senator from Vermont, Senator STAFFORD, chairman of the Education Subcommittee, could help me clear up any misunderstandings about this legislation.

Mr. STAFFORD. Mr. President, I would be happy to cooperate with the Senator from Utah.

Mr. HATCH. Confusion has existed in some quarters about the date when the Education Consolidation and Improvement Act takes effect. Could you please inform our colleagues when this legislation is to begin operation?

Mr. STAFFORD. In reply, I would like to state that it was the intention of the conferees from the House and from the Senate that the programs contained in the Education Consolidation and Improvement Act are to begin operating under the provisions of that act in the 1982-83 school year.

Mr. HATCH. This requirement applies to all programs in the act except follow-through. Do you not agree?

Mr. STAFFORD. Yes, that statement applies to all programs in the act with one exception. The followthrough program will be phased into the block grant over a 3-year period.

Mr. HATCH. I noted that the Omnibus Education Reconciliation Act of 1981 contains separate authorizations for fiscal year 1982 for each of the programs which will be included in the Education Consolidation and Improvement Act. These programs are separately authorized for a variety of reasons for fiscal year 1982.

Mr. STAFFORD. The Senator is correct. Most of the programs which will

be included in the act are either forward-funded or advance-funded. Under these procedures, funds that are contained in one fiscal year's appropriations bill are used for spending in the next fiscal year. The purpose of this procedure is to give school officials a reasonable advance indication of the funding they will receive for the school year which follows the fiscal year in which the funds originally were appropriated.

Mr. HATCH. The Senator from Vermont makes an excellent point and I urge him to elaborate on its significance for the fiscal year 1982 authorizations for the Education Consolidation and Improvement Act programs.

Mr. STAFFORD. Our colleagues from the House of Representatives expressed concern that if we had placed an effective date for the act at the beginning of fiscal year 1982, which is October 1, 1981, the impression might have been given that the program provisions of the consolidation bill were to take effect in the upcoming 1981-82 school year. This was definitely not the intention of the conferees. As I stated, these programs take effect in school year 1982-83.

Therefore, we receded to a House provision listing separate authorization levels for fiscal year 1982 only to emphasize that these programs are to operate under their existing authority for the 1981-82 school year.

Mr. HATCH. I thank the Senator for his explanation. Perhaps he could explain further what effect these individual authorizations will have on the education appropriation bill for fiscal year 1982.

Mr. STAFFORD. I would be glad to elaborate.

The conference committee adopted language to insure that the provisions of the Education Consolidation and Improvement Act would receive advance funding en bloc in the fiscal year 1982 appropriations bill. Any funds appropriated for these programs in that appropriations bill would be used in the consolidation act starting with the 1982-83 school year.

To insure that this is done and to guarantee that these programs are not individually funded in the fiscal year 1982 appropriations bill, the conferees approved specific language in the Omnibus Education Reconciliation Act. Section 514(b)(2)(A) of that Act reads:

Funds appropriated in an appropriation Act for fiscal year 1982 for any program described in section 561(a) (1), (2), (3), (5) and (6) of this Act which are intended for use by a State or local educational agency in the school year 1982-1983 shall remain available to such agency but shall be expended and used in accordance with chapter 2 of the Education Consolidation and Improvement Act of 1981.

The programs described are all those cited in title II of the consolidation bill with the exception of Follow Through.

Mr. HATCH. There are other citations in the legislation expanding on this point?

Mr. STAFFORD. Yes, there are. Section 562 of this act establishes the dura-

tion of assistance for the Education Consolidation and Improvement Act as fiscal year 1982 and the 5 succeeding fiscal years. Furthermore, the Secretary is instructed to make payments beginning in July 1, 1982, for these purposes.

Mr. HATCH. In summation, therefore, I ask my colleagues if he shares my conclusion that the funding for title II of the education consolidation bill for fiscal year 1982 be appropriated in a lump sum in the fiscal 1982 education appropriations bill?

Mr. STAFFORD. I agree; that definitely is my conclusion.

Mr. HATCH. I thank the chairman of the subcommittee.

Mr. GOLDWATER. Mr. President, I would like to discuss an issue with the distinguished Senator from Oregon (Mr. Packwood), who is manager of this part of the conference report.

The Senate bill, as originally drafted, amended section 309 of the Communications Act, which allowed the Commission, in its discretion, where there is more than one applicant for a radio or television broadcast frequency that becomes available, to grant the application based on a system of random selection, that is, lottery.

The conference agreement expands the Commission's discretion to use the lottery to the grant of any license for use, not only of broadcast frequencies that become available, but for nonbroadcast frequencies as well. This represents a substantial change from the Senate position, and I understand that the application of the lottery mechanism to the grant of broadcast frequency applications serve many purposes which are not necessarily applicable in nonbroadcast cases.

I assume, therefore, that the Commission will exercise its discretion to use this mechanism carefully and gingerly. The Commission must understand that the random selection process will be used primarily—as it is today—for the grant of broadcast licenses. Is my understanding correct?

Mr. PACKWOOD. The Senator from Arizona is correct in his understanding of the new amendment to section 309. The primary purpose of this amendment is to substantially reduce the expense, delays and backlogs incurred by comparative proceedings. They present a substantial barrier to entry into telecommunications markets by those who are presently unable to incur such costs. The random selection proceeding will encourage those presently discouraged by these barriers to seek license awards. We have emphasized that the random selection proceeding is to be used by the Commission in its discretion. The Commission must be encouraged to use the comparative hearing process where its use would better serve the public interest convenience and necessity.

I have a letter from Mark Fowler, Chairman of the Federal Communications Commission, explaining the rationale of the random selection provisions, and the FCC's plans to use it.

The letter reads:

FEDERAL COMMUNICATIONS  
COMMISSION,  
Washington, D.C.

Hon. BOB PACKWOOD,  
Chairman, Committee on Commerce, Science,  
and Transportation, U.S. Senate,  
Washington, D.C.

DEAR CHAIRMAN PACKWOOD: I am writing to respond to your request for the views of the Commission on its implementation of the authority granted to it by the Budget Reconciliation Bill regarding random selection (lotteries) for the grant of new radio spectrum licenses.

Section 1242 of the Budget Bill amends to permit the Commission to establish a system of random selection for new radio spectrum licensees where more than one applicant is applying for the same frequency. The authorization of a random select process for the grant of new broadcast and other radio spectrum licenses represents

the opportunity for extensive benefits in terms of time and cost savings to the public, the FCC, and to the broadcast industry.

As you know, I have expressed concern that without the kind of reform in our license process that this new provision represents, unacceptable delays in the processing of applications would continue. The introduction of new technologies employing radio might be delayed unnecessarily pending lengthy comparative hearings. The legislation agreed to by the conferees will provide the FCC with the discretion it needs to implement quickly a random selection procedure in those radio services where it can provide immediate benefit in terms of time and cost savings, and to determine when and in which other radio services random selection is appropriate. I believe this flexibility is important for the Commission, since some radio-based services may not benefit from a random selection process, and the public's interest may

be better served by retaining comparative hearings in some services.

I hope the Commission will be able to consider a rulemaking for the implementation of random selection in television and expiration of the 180 day period provided for in the legislation. It is in the broadcast field that the most immediate and substantial benefit can be realized from the utilization of random selection.

The material in the FY 1982 Budget Reconciliation affecting the telecommunications industry involves some of the most complex economic and social issues before our nation; the FCC is aware of the enormous effort that went into the consideration of these issues by the Managers of both Houses. I look forward to continued close cooperation between your Committee and the FCC as we work to implement this important legislation.

Sincerely,

MARK S. FOWLER,  
Chairman.

## NOTICE

*Incomplete record of Senate proceedings. Senate proceedings for today will be continued in the next issue of the Record.*

### ORDER FOR RECESS UNTIL 6 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business this morning, it stand in recess until 6 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL 6 P.M. SATURDAY, AUGUST 1, 1981

Mr. BAKER. Mr. President I move, in accordance with the order just entered, that the Senate stand in recess until 6 p.m. today.

The motion was agreed to, and, at 2:32 a.m., the Senate recessed until Saturday, August 1, 1981, at 6 p.m.

### NOMINATIONS

Executive nominations received by the Senate July 31, 1981:

#### DEPARTMENT OF STATE

Ronald I. Spiers, of Vermont, a Foreign Service Officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

#### BOARD FOR INTERNATIONAL BROADCASTING

Ben J. Wattenberg, of the District of Columbia, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1983, vice John A. Gronouski, term expired.

#### UNITED NATIONS

William Courtney Sherman, of Virginia, a Foreign Service Officer of class 1, to be the Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

#### IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 531, title 10, United States Code, with dates of

rank to be determined by the Secretary of the Air Force:

#### To be major

Calzada, Jose E., 580-68-8266.  
Carroll, Gerard M., Jr., 200-34-5582.  
Fleming, John D., 166-36-9997.  
Riordon, John A., 578-56-5740.

#### To be captain

Aavang, Glennis L., 392-44-7487.  
Abbit, James H., 495-48-6676.  
Abbott, Dwayne E., 519-54-3352.  
Acevedo, Patricia K., 488-58-1439.  
Adamcik, James P., 298-52-7714.  
Adams, Gerald M., Jr., 197-42-5858.  
Adams, James R., Jr., 426-94-3558.  
Addington, Doyle R., Jr., 452-94-0258.  
Aebli, Jacques, III, 264-04-9192.  
Aguilar, Lee W., 576-54-8341.  
Alfieri, John, 453-92-4128.  
Allen, Jimmy R., 498-62-8931.  
Alley, Frederick L., 179-40-9742.  
Allie, Joseph S., 304-54-0242.  
Allison, Steven R., 406-66-1047.  
Amend, Frank R., Jr., 230-74-8384.  
Ames, Milton E., Jr., 226-68-3753.  
Anderson, Charles M., 568-68-6248.  
Anderson, David G., 301-46-8253.  
Anderson, James J., 123-36-8745.  
Anderson, John C., 585-26-3711.  
Anderson, Thomas L., 535-52-2332.  
Andren, George W., 029-36-5133.  
Andrews, Charles L., 378-56-0904.  
Andrews, Edward, Jr., 432-84-4570.  
Antinora, Richard, 189-38-6443.  
Antkiewicz, Mark, 313-54-3346.  
Armentrout, Drew A., 304-54-6405.  
Arnold, Joseph W., 465-82-4688.  
Arsenault, John A., 047-44-9421.  
Atney, Michael W., 452-92-7314.  
Atwater, Richard M., 006-44-4384.  
Auletta, Joseph F., 127-42-4880.  
Bagesse, Robin H., 587-50-6303.  
Bailey, Michael A., 324-44-0030.  
Baird, Douglas P., 145-48-2875.  
Baked, Alfred C., III, 212-56-5203.  
Baker, John F., 063-44-2622.  
Ballance, Lyle L., Jr., 360-42-8997.  
Balyeat, John R., 534-48-7733.  
Barca, Robert S., 559-78-4556.  
Bare, Harold F., Jr., 573-66-6642.  
Barnes, Jeffrey D., 264-94-4370.  
Barrett, Ernest J., 567-48-9658.  
Barrow, William E., 253-86-8920.

Bertlett, William H., 027-32-7619.  
Barton, John D., 461-80-3896.  
Bass, Thomas L., 546-70-9051.  
Bate, Stephen A., 280-44-5556.  
Baughman, Terry L., 192-42-4871.  
Beard, Dwight D., 442-46-7485.  
Beaty, Gene L., 166-40-3984.  
Beck, John F., 126-32-4470.  
Becker, Henry D., 514-58-0896.  
Becker, Michael E., 521-78-5366.  
Beebe, Gary E., 291-46-6627.  
Beightol, Willis E., Jr., 466-90-0376.  
Bell, Gus, Jr., 266-96-0610.  
Beltz, Fredrick M., 555-78-7402.  
Bennett, Fredrick E., Jr., 570-58-1165.  
Berg, George C., 071-42-3882.  
Berger, Dale K., 565-76-1486.  
Berger, William R., 442-44-9267.  
Bertoglio, James V., 334-40-4585.  
Best, William E., 267-08-8072.  
Bills, Conrad G., 519-52-1131.  
Bina, Robert E., 214-56-9405.  
Bitler, Steven A., 196-44-2263.  
Bjornstad, Ronald E., 501-52-3746.  
Black, Robert H., 261-82-6405.  
Blankenship, Robert R., 383-54-9341.  
Bledsoe, William L., 267-96-1226.  
Bogle, Lewis D., 455-80-4224.  
Bohn, Gary P., 107-46-4669.  
Bohunko, Joseph F., 474-50-2928.  
Bond, Lamar, Jr., 587-38-5947.  
Bonifant, Stephen S., 537-54-8573.  
Borchardt, William E., 332-42-4750.  
Bordman, Roger J., 276-52-8203.  
Bouchard, Ronald L., 002-32-4389.  
Bowman, Bradley A., 271-52-0997.  
Boyd, Franklin K., 244-84-4415.  
Boyd, James A., 514-50-9364.  
Boyd, Jimmie V., 463-76-1447.  
Bracken, George C., 252-80-3751.  
Bracken, Harold R., 259-70-0642.  
Bradley, Ross L., 265-74-6920.  
Bradley, Kenneth A., 314-46-7988.  
Bradshaw, Joel C., III, 227-72-0049.  
Branan, William C., Jr., 436-86-0318.  
Brandt, Lee E., 502-68-5475.  
Brewton, Jerry M., 460-76-5573.  
Briggs, Kent D., 570-94-8989.  
Broestel, Lee L., 284-50-2570.  
Brogan, James R., 030-46-3113.  
Brooksby, Robert C., 549-80-2555.  
Brown, Charles A., 223-66-9961.  
Brown, Charles I., 154-28-4999.  
Brown, Gregory R., 516-64-2145.  
Brown, Henry C., 247-86-2610.